IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5035 OF 2005
IN
CRIMINAL APPEAL NO. 729 OF 2005

K. Kusha Shetty ...Applicant

Versus

The Central Bureau of Investigation, A.C.B.,Mumbai ...Respondent

.....

Mr. Abhaykumar Apte, Advocate for Applicant

Mr. J.C. Satpute, Adv. for Respondent No.1.

.....

CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 1ST SEPTEMBER, 2005

P. C.:-

1. Heard both sides.

2. The applicant has been convicted under Section 409, 477-A of I.P.C. and Section 13(1)(c) r.w. Section 13(2) of Prevention of Corruption Act. The maximum sentence imposed on the applicant is one year.

3. It is stated by the learned advocate for the applicant that the applicant was on bail pending the trial and this liberty has not been misused by him. This statement has not been controverted by the

prosecution. It is further submitted by the learned advocate for the applicant that the maximum sentence imposed on the applicant is one year and this appeal is not likely to be heard within the said time.

4. The Supreme Court in the case of **Bhagwan Rama Gosai and Ors. Vs. State of Gujrat reported in (1999) 4 SCC 421,** has observed that if the sentence is of limited duration and the appeal cannot be heard expeditiously, then bail should be granted. It is not possible to hear the present appeal expeditiously. In view of all the facts and circumstances, I am inclined to grant bail.

5. The applicant K. Kusha Shetty to be released on bail in the sum of Rs.50,000/- with one or two sureties to make the said amount. The applicant shall report on first Sunday of every month to Nigdi police station, during the pendency of this appeal.

5. Application is disposed of.

*****